

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. CONYERS. Mr. Speaker, I am inserting into the RECORD two insightful and useful editorials from *The Nation* magazine. The first one, titled "Clinton, Starr and the Constitution" points out that "this inquiry has been driven by politics from the start." The *Nation*, which has been a strident critic of Bill Clinton almost from the beginning of his Presidency, states that "Kenneth Starr's impeachment report represents an assault not merely on Bill Clinton but, more significant, on the presidency, the Constitution and our democracy."

It also rightly points out that "What the conservatives could not stop by election they have thwarted by investigation. This Congress saw no important legislation passed on tobacco and children, education, childcare, minimum wage or campaign finance reform."

The second editorial points out that the tactics of this investigation have amounted to "sexual McCarthyism." In drawing a powerful historical analogy, the *Nation* points suggest that "the Enemy Other is sexual rather than political deviance." Just like during the 1950's, there have been secret grand jury leaks, wiretapping has been used to entrap witnesses and the legal process is being used to punish or defame people for activities that may be "politically and culturally anathema," but not necessarily crimes. Hence the need for the public to hear all the salacious details contained in the Ken Starr report.

I bring these fine editorials to the attention of my colleagues and the public.

[From *The Nation*, Oct. 5, 1998]

CLINTON, STARR AND THE CONSTITUTION

Kenneth Starr's impeachment report represents an assault not merely on Bill Clinton but, more significant, on the presidency, the Constitution and our democracy. It is crucial to the future of all three that it be repudiated before its damage becomes irreversible.

We have no great affection for the President, who has systematically betrayed almost everyone and everything for which he professed to stand during his six years in office. But those failings should not obscure the great danger posed by the possibility of Starr and his minions forcing Bill Clinton out of office. Whatever the degree of the President's responsibility for bringing this calamitous situation on his own head—and that responsibility is considerable—the nation cannot allow itself to be decapitated by what is, at its core, a politically motivated witch hunt.

Clinton's actions ought not to be the subject of an impeachment inquiry. Starr went after possibly more serious allegations against the President related to Whitewater, Filegate and Travelgate, but despite a nearly crazed obsession with nailing his prey, he apparently came up empty-handed. He has therefore been forced to base an impeachment case entirely on Clinton's adulterous affair and attempts to cover it up.

A principled man, comfortable with himself and the Constitution, should be able to argue that no citizen may be compelled to testify about intimate details of his sex life unless there is a showing of transcendent public need. Clinton could have invoked provisions of the First, Fourth and Fifth amendments to create a zone of privacy, a so-called intimacy privilege. But instead, Clinton appears to have lied—more than once. Let the lawyers argue whether this technically qualifies as perjury. Clinton would be wise to quit quibbling and rely on the good sense of the American people to see that Congress addresses this transgression (which does not compare with Clinton's more serious failures in addressing the nation's problems of growing corporate power and inequality) with a punishment that fits the crime. One of the most striking aspects of this surreal situation has been the consistency of the public's insistence that what happened between Monica Lewinsky and Bill Clinton is their own business, and that of their families. The punditocracy's obsession with the salacious details of Oval Office sex has been matched by its hypocrisy in playing morality police to an audience that does not care what the pundits think.

The Constitution says that Congress shall impeach only for "treason, bribery, or other high crimes and misdemeanors." The President's lawyers are on firm ground when they assert, "The impeachment clause was designed to protect our country against a President who was using his official powers against the nation, against the American people, against our society. It was never designed to allow a political body to force a President from office for a very personal mistake."

This inquiry has been driven by politics from the start. Kenneth Starr is a partisan conservative Republican who has been the spearhead of an unprincipled, well-funded attack on the Administration almost from the moment it took office. Lest we forget: Starr, former chief of staff to Reagan Attorney General William French Smith, was chosen for his current job in 1994 by a three-judge panel that itself was selected by Chief Justice William Rehnquist, who would preside over the Senate in the event of an impeachment trial. Starr considered writing an amicus brief to advance Paula Jones's case against the President. Starr continued, as a million-dollar-a-year lawyer, to represent the tobacco industry while investigating Clinton and planned to accept a Richard Mellon Scaife-funded deanship at Pepperdine University until a national uproar forced him to give it up. And Starr's office is under investigation for the unprofessional and possibly illegal manner in which it leaked information designed to damage the President.

Whether it achieves its goal of inspiring Clinton's impeachment, Starr's investigation has succeeded beyond its originators' wildest dreams. It has crippled the Administration and the Democratic Party. What the conservatives could not stop by election they have thwarted by investigation. This Congress saw no important legislation passed on tobacco and children, education, childcare, minimum wage or campaign finance reform. Not much planning for the future appears to be under way in the White House, as Democrats run for cover in hopes of surviving what could be major Republican gains come November.

More significant, however, is the damage that Starr and his team have done to time-honored constitutional prerogatives and common decency. President Clinton's right to privacy has been shredded. Starr has used his unlimited powers to threaten White House staff and to intimidate Lewinsky and her family. He has eviscerated the right of

attorney-client privilege for public officials, and he has abused the grand jury system. And the hymn-singing, Bible-quoting Starr has produced the best-read piece of Puritan pornography in human history. In his zeal to remove the President, he has transformed the American political process into an exercise in voyeurism.

Rather than needlessly drag the country through the degrading process of impeachment hearings based on Starr's document, the House Judiciary Committee might consider conducting a debate that assumes the truth of all the allegations in the Starr report. The question for the committee would then become: Are these charges serious enough to rise to the level of being "high crimes and misdemeanors"? If not, in what would essentially be the granting of a motion to dismiss, the committee could decide not to present the House with articles of impeachment. The process could stop right there. It would then remain only for Congress to decide whether to drop the matter or to censure the President, in a form to be determined. The President, for his part, could do his party and the country a favor by admitting he lied and making clear that he would accept such a censure. A censure resolution, if it comes to that, should be narrowly focused on the nation's top law-enforcement official lying under oath in his Paula Jones deposition. It should not give credence to Starr's unproven claims of grand jury perjury and obstruction of justice.

Going forward, Congress should also insure, by way of changes in statutes governing the independent counsel's office, that no person will ever again be vested with the uncontrolled power that Kenneth Starr has so effectively misused. Inquisitions, sexual or otherwise, are "inappropriate" in a constitutional democracy.

STARRISM

Everyone from Alan Dershowitz to a front-page classified advertiser in the *New York Times* has sounded the alarm about "sexual McCarthyism" in connection with Kenneth Starr, his report and all the rest.

The word "McCarthyism," as many have pointed out [see Navasky, "Dialectical McCarthyism(s)," July 20] is a misnomer since it describes a phenomenon that began before the junior senator from Wisconsin arrived on the scene and persisted after he was retired from it. And each time this umbrella term for the excesses of the anti-Communist crusade is recycled as a metaphor for the latest political mugging, it loses something of its original power and precision as a description of a social pathology.

Moreover, in the case of Starr & Co. the metaphor seems inexact because McCarthy was notorious for the sloppiness of his methods, the manipulation of numbers (first there were 205, then fifty-seven, then eighty-one card-carrying Communists in the State Department) and, as often as not, getting the wrong guy. Whereas the sexual allegations against Clinton appear to be well documented, and Starr seems obsessively precise and meticulous (although the closer one looks at his report the less confidence one has in its integrity).

Is "sexual McCarthyism" a misleading metaphor for what is happening? Not really. Though there are obvious differences, there are at least three significant similarities between then and now. It's important to identify what they are before too many reputations get shredded, too many democratic values violated, too many dangerous precedents established, too much privacy invaded.

First and foremost, there is the attempt to demonize a political target as the Enemy Other. Historians like the late Frank Donner have demonstrated how the great Red hunt

of the fifties exploited the nativist impulse, which identifies the foreign with the radical and the immoral.

In the days of the domestic cold war it meant Hoover, McCarthy, Nixon, HUAC, et al.—cheered on by such as the Rev. Billy Graham and the American Legion—arguing that to be a Communist (or fellow traveler) was to be a “dirty Red,” an agent of an international conspiracy, a spy. The reason Arthur Miller’s play *The Crucible*, about the Salem witch trials of the 1600s, spoke so eloquently to the 1950s was that just as there were no witches in Salem, there was no internal Red menace in the United States of the fifties—no Enemy Other that justified the hysteria that resulted in the wholesale invasion of the rights and liberties of citizens.

Today we have independent counsel Kenneth Starr, Representatives Henry Hyde and Newt Gingrich, with Chief Justice William Rehnquist waiting in the wings to preside over impeachment proceedings in the Senate—cheered on by such as the Christian Coalition and William Bennett—arguing in effect that to have (dirty) sex in the Oval Office means one should be thrown out of office. The Enemy Other is sexual rather than political deviance, the target of opportunity is the President rather than the CP. Arthur Miller’s image of a witch hunt fueled by repressed sexuality leading to a form of cultural hysteria survives from the fifties to link the two episodes.

Second, the Red hunters of the fifties succeeded in deploying the legal process to punish people for activities that may have been politically and culturally anathema, but in and of themselves were not crimes. During the fifties, that meant summoning accused members of the Communist Party (a legal organization) before official tribunals and asking them questions the investigators knew would be difficult or impossible for them to answer, thereby forcing them to choose among silence (which landed the Hollywood Ten in prison for contempt of Congress), blacklisting (which was visited on anyone who invoked the Fifth) or betrayal (former comrades who answered the \$64 question—“Are you now or have you ever been . . . ?”—were next asked to name the names of others).

Today Starr uses Clinton’s unwillingness to testify about the intimate details of his (perfectly legal) sex life, and his inability—for reasons of *Realpolitik*—to invoke his Fifth Amendment right not to incriminate himself, to try to trap him into the crimes of perjury, obstruction of justice and the abuse of power. When is the last time a “target” was forced to answer questions, especially intimate ones, before a grand jury?

Third, in the fifties, under the rubric of national security, the FBI and other investigative agencies routinely violated the privacy and civil liberties of alleged subversives via legally dubious wiretapping, bugging, the use of informers and intrusive interrogations. Today, Linda Tripp, acting in tandem with the independent counsel and perhaps lawyers for Paula Jones, tries to induce Monica Lewinsky to say things that can be used to entrap the President in contradictory testimony. This may or may not qualify as perjury or grounds for impeachment but is calculated to cause personal and political embarrassment and shame.

The parade of analogies marches on. There were secret grand jury leaks then; now the special prosecutor, in league with the Republican majority, arranges for the entire grand jury transcript to be circulated on the World Wide Web. The press then was complicit with the McCarthyites in the sense that it passively reported irresponsible charges on the front page and didn’t get around to publish-

ing corrections until days later, usually on page 47. These days the conglomerated and highly technologized media are anything but passive. They are leading the posse, attempting to whip up a political hysteria that thus far the public seems disinclined to indulge. We are lucky in that, for it would be a disastrous precedent—far beyond what McCarthy wrought—to drive a President out of office as a result of a public hubbub over his private conduct.

My own study of the McCarthy era led me to conclude that the purpose of the Congressional and other investigations of those years was not to write legislation or to develop new information (HUAC, for example, already had obtained from undercover agents all the names it was insisting witnesses recite in public). Rather, the hearings and trials and investigations of those years were for the most part degradation ceremonies. One shudders at the prospect of Congressional hearings or a Senate trial that recycles the pornographic materials Starr claims it was necessary to assemble. In the long run history has decided that it was not HUAC’s or McCarthy’s targets that were degraded. It was the country itself. Let us not let it happen again.—VICTOR NAVASKY.

TRIBUTE TO THE UKRAINIAN CULTURAL CENTER IN WARREN, MICHIGAN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. LEVIN. Mr. Speaker, I rise to honor the Ukrainian Cultural Center, Warren, Michigan, as they celebrate 20 years as the heart of the Ukrainian community in Michigan. The Center will commemorate this occasion with a banquet and cultural celebration on October 18, 1998.

The Ukrainian Cultural Center is home to more than forty arts, civic, cultural, educational, social, sports and youth organizations. Included in these are the member organizations of the Ukrainian Congress Committee of American branch for Southeastern Michigan.

In addition to lending financial support in grants and aid to community organizations and individuals, the Center’s beautiful conference halls, classrooms, gym and social club host a variety of programs and special events throughout the year. The Ukrainian Cultural Center is not only a showpiece in the community but serves as a key site for instruction on Ukrainian literature, history, language, arts and leisure activities.

The Ukrainian Cultural Center houses the Ukrainian Museum, which collects and displays historical artifacts and religious relics. The Ukrainian Library makes available to all many Ukrainian language books and periodicals. Additionally, the Center publishes print, audio and video material relevant to Ukraine American community.

The Ukrainian Cultural Center is key to assuring the strength of the Ukrainian ethnic identity and to all teach fellow Americans about the rich Ukrainian Culture. The Center also serves as an important forum to ring to others the history of Ukraine’s successful struggle for independence.

The Center is integral part of not only the Ukrainian community, but all of metropolitan

Detroit and Michigan. It remains as one of the best examples of the many colorful ethnic backgrounds that weave such a wonderfully diverse community profile.

The Ukrainian Cultural Center has hosted many distinguished guests in the past 20 years, including two sitting U.S. Presidents and the first President of Independent Ukraine.

I have had the distinct pleasure to attend a wide variety of functions at the Ukrainian Cultural Center. Some have been meetings with leaders of Ukraine; others have been social or cultural events; and still others have been for exchanges of ideas with a wide range of leaders and other members of the Ukrainian-American community which thrives in the 12th Congressional District.

On so many of these occasions, I have seen the particularly effective endeavors of Borys Potapenko, the Center’s Director of Operations, Bhodan Fedorak, President of the Center’s Board of Directors, and other officers who all devote so much of their time to the Center’s unique position in the Ukrainian-American and the broader community.

So, I ask my colleagues to join me as we extend our sincere congratulations to the Ukrainian Cultural Center for their 20 wonderful years, and our hopes for continued success in the future.

IN HONOR OF GEORGIA AND
DIMITRIOS KALOIDIS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Georgia Dimitrios Kaloidis. Mr. and Mrs. Kaloidis will be honored by Hellenic Public Radio-COSMOS FM at the Phidippides Award Dinner for their passionate advocacy of Hellenism on Friday, October 9.

Dimitrios Elias Kaloidis and Georgia Christou Kaloidis (nee Manolakos) were born in Laconia, Greece. They graduated from high school in Athens. Dimitrios emigrated to the United States in 1955, followed by Georgia in 1963. Once in the U.S. Dimitrios became involved in the restaurant business and Georgia studied computers and business administration. They married in 1974.

Together they founded a chain of restaurants and initiated major real estate ventures. Currently, the Kaloidises are developing the Terrace on the Park in Flushing Meadow, Queens, and one of the largest multiplex cinemas in the country.

Georgia and Dimitrios Kaloidis’ charitable endeavors are wide and varied. Most notably, the Kaloidises have made a strong investment in our youth, most specifically in their education through multimillion dollar gifts to primary schools, cultural and educational centers and scholarship trusts.

His Eminence, Archbishop Spyridon, has charged Dimitrios to head the committee for the unification of the four Greek parochial schools in Brooklyn.

The Hellenic Public Radio COSMOS FM Phidippides Award is presented to persons in recognition of their efforts in the advocacy of Hellenism.

Recipients of this prestigious award have worked to sustain vitality of Hellenism.